

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

LAURICE MITCHELL, :
Petitioner, : Case No. 3:13-cv-224
- vs - : District Judge Timothy S. Black
WARDEN, TRUMBULL : Magistrate Judge Michael R. Merz
CORRECTIONAL INSTITUTION :
Respondent. :

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #2), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, and for good cause shown upon the Court's de novo review, hereby **ADOPTS** said Report and Recommendations.

Accordingly, it is hereby **ORDERED** that the Petition be **DISMISSED** with prejudice. Petitioner is also **DENIED** any requested certificate of appealability and the Court hereby certifies to the United States Court of Appeals that an appeal would be objectively frivolous.

August 16, 2013.

s/ Timothy S. Black

Timothy S. Black
United States District Judge